

THAILAND (Tier 2 Watch List)

Thailand is a source, destination, and transit country for men, women, and children who are subjected to forced labor and sex trafficking. Individuals from neighboring countries, as well as from further away such as Uzbekistan and Fiji, migrate to Thailand for reasons including to flee conditions of poverty. Migrants from Burma, who make up the bulk of migrants in Thailand, seek economic opportunity and escape from military repression. The majority of the trafficking victims identified within Thailand are migrants from Thailand's neighboring countries who are forced, coerced, or defrauded into labor or commercial sexual exploitation; conservative estimates have this population numbering in the tens of thousands of victims. Trafficking victims within Thailand were found employed in maritime fishing, seafood processing, low-end garment production, and domestic work. Evidence suggests that the trafficking of men, women, and children in labor sectors such as commercial fisheries, fishing-related

industries, and domestic work was a significant portion of all labor trafficking in Thailand.

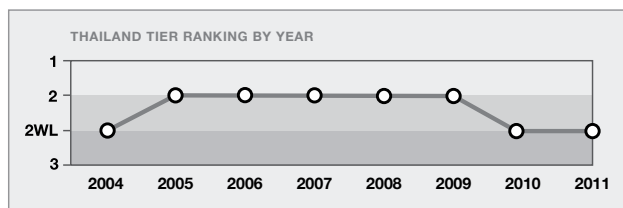
UN-affiliated NGO research made available during the year reported a significant population of trafficking victims in the country. An estimated 23 percent of all Cambodians deported by Thai authorities at the Poipet border were trafficking victims. The UN Inter-Agency Project on Human Trafficking (UNIAP) estimated that Thai authorities deport over 23,000 Cambodian trafficking victims a year. Similarly, Lao authorities reported during the year that groups of 50 to 100 Lao trafficking victims were among the thousands of Lao nationals deported by Thai authorities. An assessment of the cumulative risk of labor trafficking among Burmese migrant workers in the seafood industry in Samut Sakhon, Thailand found that 57 percent of these workers experience conditions of forced labor. An IOM report released in May 2011 noted prevalent forced labor conditions, including debt bondage, among Cambodian and Burmese individuals recruited – some forcefully or through fraud – for work in the Thai fishing industry. According to the report, Burmese, Cambodian, and Thai men were trafficked onto Thai fishing boats that traveled throughout Southeast Asia and beyond, and who remained at sea for up to several years, did not receive pay, were forced to work 18 to 20 hours per day for seven days a week, and were threatened and physically beaten. Similarly, an earlier UNIAP study found 29 of 49 (58 percent) surveyed migrant fishermen trafficked aboard Thai fishing boats had witnessed a fellow fishermen killed by boat captains in instances when they were too weak or sick to work. Fishermen typically did not have written employment contracts with their employer. Observers noted that traffickers (including labor brokers) who bring foreign victims into Thailand generally work as individuals or in unorganized groups, while those who enslave Thai victims abroad tend to be more organized. Informed observers also reported that labor brokers, some of whom facilitate or engage in trafficking, are of both Thai and foreign origin and work in networks, collaborating with employers and, at times, with law enforcement officials.

Migrants, ethnic minorities, and stateless people in Thailand are at a greater risk of being trafficked than Thai nationals, and experience withholding of travel documents, migrant registration cards, and work permits by employers. Undocumented migrants remain particularly vulnerable to trafficking, due to their economic status, education level, language barriers, and lack of knowledge of Thai law. The greatest risk factor for highland women and girls to being trafficked was their lack of citizenship. Some children from neighboring countries are forced to sell flowers, beg, or work in domestic service in urban areas. During the year, Vietnamese women were found to have been confined and forced to act as surrogate mothers after being recruited for work in Bangkok. Most Thai trafficking victims abroad who were repatriated back to Thailand during the year had been exploited in the United Arab Emirates (UAE), Malaysia, Sri Lanka, Bahrain, and China. Thai victims were also repatriated from Russia, South Africa, Yemen, Vietnam, the United States, the United Kingdom (UK), and Singapore. Thai nationals are also known to be trafficked to Australia, Canada, Germany, Indonesia, Israel, Japan, Kuwait, Libya, Malaysia, Qatar, Saudi Arabia, South Africa,

South Korea, Taiwan, and Timor-Leste. Some Thai men who migrate for low-skilled contract work and agricultural labor are subjected to conditions of forced labor and debt bondage. Sex trafficking generally involves victims who are women and girls. Sex tourism continues to be a problem in Thailand, and this demand likely fuels trafficking for commercial sexual exploitation. Thailand is a transit country for victims from North Korea, China, Vietnam, Pakistan, and Burma destined for third countries such as Malaysia, Indonesia, Singapore, Russia, Western Europe, South Korea, and the United States. There were reports that separatist groups recruited teenage children to carry out attacks.

The Government of Thailand does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued implementation of its human trafficking law and conducted awareness-raising activities on human trafficking. The government continued work on its implementation of regulations that will allow trafficking victims to temporarily live and work within Thailand, though victims generally continue to be detained in government shelters. The Thai prime minister chaired meetings with labor and civil society organizations to coordinate anti-trafficking efforts, which led to the development of the Thai government's second six-year National Policy Strategy on human trafficking for 2011-2016. In July 2010, the prime minister publicly acknowledged the need to improve the government's weak interagency coordination in addressing human trafficking. The Thai government reported increases in trafficking prosecutions and convictions, but as of May 2011 there was insufficient data available to determine whether each of these could be categorized as human trafficking convictions. Despite these significant efforts, the government has not shown sufficient evidence of increasing efforts to address human trafficking over the previous year, particularly in the areas of prosecuting and convicting both sex and labor trafficking offenders, combating trafficking complicity of public officials, and trafficking victim protection; therefore, Thailand is placed on Tier 2 Watch List for a second consecutive year. Given the significant scope and magnitude of trafficking in Thailand, there continued to be a low number of convictions for both sex and labor trafficking, and of victims identified among vulnerable populations. Direct involvement in and facilitation of human trafficking by law enforcement officials reportedly remained a significant problem in Thailand; authorities reported investigating two cases of complicity involving four officials, including at the police colonel level, though there were no convictions or sentences of complicit officials during the year. The government did not respond to multiple reports of widespread corruption involving the extortion and trafficking of Burmese deportees from Thailand. NGOs reported that problems hindering the government's anti-trafficking efforts included local police corruption, biases against migrant laborers, the lack of a comprehensive monitoring system of the government's efforts, lack of understanding among local officials of trafficking, the courts' lack of a human rights-based approach to labor abuse cases, and systematic disincentives for trafficking victims to be identified. Authorities continued efforts to prevent human trafficking with

assistance from international organizations and NGOs, but have not yet adequately addressed structural vulnerabilities to trafficking created by its migrant labor policies. The government should continue to increase its efforts given the significant scope and magnitude of trafficking in Thailand.



Recommendations for Thailand: Enhance ongoing efforts to identify victims of trafficking among vulnerable populations, in particular undocumented migrants and deportees; increase efforts to investigate, prosecute, and convict both sex and labor trafficking offenders; improve efforts to investigate, prosecute, and convict officials engaged in trafficking-related corruption; ensure that offenders of fraudulent labor recruitment and of forced labor receive stringent criminal penalties; improve labor inspection standards and procedures to better detect workplace violations, including instances of trafficking; improve implementation of procedures to allow all adult trafficking victims to travel, work, and reside outside of shelters; provide legal alternatives to the removal of trafficking victims to countries in which they would face retribution or hardship; implement mechanisms to allow adult foreign trafficking victims to reside in Thailand; make greater efforts to educate migrant workers on their rights, their employers' obligations to them, legal recourse available to victims of trafficking, and how to seek remedies against traffickers; improve efforts to regulate fees and brokers associated with the process to legalize migrant workers in order to reduce the vulnerability of migrants to human trafficking; and increase anti-trafficking awareness efforts directed at employers and clients of the sex trade.

Prosecution

The Thai government made mixed progress in its anti-trafficking law enforcement efforts during the reporting period. Thailand's 2008 anti-trafficking law criminally prohibits all forms of trafficking and prescribes penalties from four to 10 years' imprisonment – penalties that are sufficiently stringent and commensurate with penalties prescribed for other grave offenses, such as rape. The Thai government reported 18 convictions in trafficking-related cases in 2010 – an increase from eight known convictions during the previous year; as of May 2011, only five of the 18 convictions reported by the government could be confirmed to be for trafficking offenses. The government also reported initiating 79 prosecutions in 2010, up from 17 prosecutions during the previous year. The police reported investigating 70 trafficking-related cases in 2010, including at least 49 cases of forced prostitution and 11 for forced labor. This compares to the 95 trafficking-related investigations reported in 2009. Very few cross-border labor exploitation investigations led to arrests of alleged traffickers, and even those arrested rarely found themselves prosecuted in court. A study released during

the year on the trafficking of fishermen in Thailand found that investigations of alleged human trafficking on Thai fishing boats, as well as inspections of these boats, were practically nonexistent, according to surveyed fisherman, NGOs, and government officials. The justice system remained slow in its handling of criminal cases, including trafficking cases. Additionally, frequent personnel changes hampered the government's ability to make greater progress on anti-trafficking law enforcement efforts. In December 2010, the police anti-trafficking unit, with assistance from NGOs, raided an apartment in Bangkok and removed 12 Uzbek trafficking victims, successfully identifying some of the victims; others who were likely also victims were returned to the streets or taken to Thai immigration for deportation, depending on their visa status. The alleged trafficker, an Uzbek woman, was initially jailed during a police investigation, but in February obtained bail and has reportedly resumed her involvement in Bangkok's sex industry. In January 2011, a senior police anti-trafficking officer involved in the investigation of the Uzbek trafficking ring, along with two subordinates, were placed on temporary suspension for allegations of corrupt practices.

The Court of Justice reported that the number of cases it adjudicated involving violations of the 2008 Anti-Trafficking in Persons Act has gradually increased since the law came into force. Sentences for convicted offenders in confirmed trafficking cases ranged from four to 20 years' imprisonment. In December, a Thai court convicted three defendants in the 2006 Ranya Paew case involving forced labor of Burmese workers in a shrimp processing factory and sentenced them each to 20 years in prison, the maximum penalty under the relevant Thai law; the offenders remain released pending the results of their appeal. In October, a Thai court sentenced a Thai woman to four years' imprisonment for operating a fraudulent employment agency involved in the trafficking of Thai workers abroad. Media outlets highlighted several arrests in sex trafficking cases. Thai law enforcement authorities cooperated with counterparts from around the world, leading to arrests and convictions of traffickers. Some observers believe that more needs to be done to arrest traffickers within Thailand through cross-border investigations.

Corruption remained widespread among Thai law enforcement personnel, creating an enabling environment for human trafficking to prosper. Allegations of trafficking-related corruption persisted during the year, including in cases of forced prostitution and forced labor of migrants. There were credible reports that officials protected brothels, other commercial sex venues, and seafood and sweatshop facilities from raids and inspections. In addition to well-known corruption of local-level police officers, there were also protective relationships between central-level specialist police officers and the trafficking hot-spot regions to which they were assigned. There was no information indicating tolerance for trafficking at an institutional level. The Department of Special Investigations reported investigating four policemen, undertaking some disciplinary action, for trafficking-related complicity during the year; these investigations were ongoing. The government did not respond to reports that Thai officials were involved in the trafficking of Burmese men, women, and children

deported to the hands of the Democratic Karen Buddhist Army (DKBA). Authorities also have not responded to reports that Thai police and immigration officials extort money or sex from Burmese citizens detained in Thailand for immigration violations, and sell Burmese unable to pay to labor brokers and sex traffickers. The government continued efforts to train thousands of police, labor, prosecutors, social workers, and immigration officials on victim identification.

Protection

The Thai government demonstrated limited efforts to identify and protect foreign and Thai victims of trafficking during the year. The Ministry of Social Development and Human Security (MSDHS) reported that 381 foreign victims were classified as trafficking victims in Thailand and received assistance at government shelters during the year, a decrease from the 530 foreign victims assisted in 2009. More than half of the victims assisted during the year were from Laos, and one fourth from Burma. The government continued to repatriate foreign victims of trafficking, including through regular coordination with Lao and Burmese authorities. MSDHS reported that in 2010, 88 Thai nationals were classified as trafficking victims abroad and were repatriated to Thailand with assistance from the Ministry of Foreign Affairs from the UAE, Malaysia, Sri Lanka, Bahrain, China, Russia, South Africa, Yemen, Vietnam, the U.S., the UK, and Singapore. This represented a significant decrease from the 309 Thai trafficking victims repatriated from abroad in 2009. The government reported increasing efforts to identify victims of trafficking among vulnerable populations through screening checkpoints at airports and border crossings. However, given the reportedly significant population of trafficking victims in Thailand out of which only 52 trafficking victims were reported identified in immigration detention centers, the government should continue to improve these efforts.

The government provided limited incentives for victims to participate in the investigation and prosecution of their traffickers. The Thai government continued to refer victims to one of nine regional shelters run by MSDHS, where they receive counseling, limited legal assistance, and medical care. Foreign adult victims of trafficking identified by authorities continued to be detained in government shelters and typically cannot opt to reside outside of a shelter or leave before Thai authorities are prepared to repatriate them. The 2008 law contains a provision for granting foreign victims the right to seek employment while awaiting conclusion of legal processes, and the Thai government passed a new regulation in May 2011 to implement this provision. The government passed new regulations that will allow foreign victims to temporarily live and work within Thailand. As a result of this detention practice, foreign victims of trafficking are not afforded the same opportunities as other foreign nationals who seek and receive permission to work in Thailand. There were regular reports during the year of foreign trafficking victims who fled shelters, likely due to slow legal and repatriation processes, the inability to earn income during trial proceedings, language barriers, and distrust of government officials. There were reported instances in which victims

opted not to seek designation as trafficking victims due to systemic disincentives, such as long stays in shelters during lengthy repatriation and court processes. NGOs reported that some individuals were trained by labor brokers on how to lie to government officials to prevent being identified as victims. Thai law protects victims from being prosecuted for acts committed as a result of being trafficked. However, some victims were likely punished due to the lack of effective victim identification procedures and authorities' efforts to arrest and deport immigration violators.

The government generally encourages victims to participate in the investigation and prosecution of trafficking, though some victims opt not to do so. There was no evidence during the reporting period that the government offered legal aid to encourage workers to avail themselves of the opportunity to obtain compensatory damages from employers in cases of forced labor. High legal costs, language, bureaucratic, and immigration barriers, fear of retribution by traffickers, distrust of Thai officials, slow legal processes, and the financial needs of victims effectively prevented most victims from participating in the Thai legal process. While in the past, authorities have assisted trafficking victims receive financial compensation from their trafficking offenders in a few cases, there were no such reported cases during the year. The lack of labor law coverage for fishermen in Thailand under the Labor Protection Act of 1998 makes this population particularly vulnerable to exploitation. Despite a 2005 cabinet resolution that established that foreign trafficking victims in Thailand who are stateless residents can be given residency status on a case-by-case basis, the Thai government has yet to report granting residency status to a foreign trafficking victim.

Prevention

The Thai government made notable efforts to prevent human trafficking, including through collaboration with international organizations and NGOs. Some prevention efforts included the involvement of the prime minister and members of his cabinet. While some activities aimed to raise awareness on trafficking within Thai society as a whole, others attempted to raise awareness among targeted high-risk industries. The government reported that throughout 2010 and early 2011, it reached more than 3,000 people from high-risk groups to raise awareness on trafficking, as well as approximately 2,000 employers to raise awareness on labor rights and trafficking. NGOs noted that awareness of human trafficking and labor rights grew, both among high-risk populations and government officials. The government made increased efforts to educate migrant workers on their rights and their employers' obligations to them. The government's *Nationality Verification and Granting an Amnesty to Remain in the Kingdom of Thailand to Alien Workers Program* offered inadequate legal rights to Burmese and other migrant workers and bound their immigration status to Thai employers, effectively leaving workers without legal recourse or protection from forced labor. Observers remained concerned that the process to legalize migrant workers with its associated fees, as well as costs imposed by poorly regulated and unlicensed labor brokers, increased the vulnerability of migrant workers to trafficking and debt bondage. In

some cases, workers reportedly incurred debts imposed by their employers amounting to one year's wages for the required processing of their registration. During the past year, the government worked with the Government of Burma to open a Burmese government office in Thailand, reducing the need for some undocumented Burmese workers to return to Burma, and thus making them less at risk to being exploited. The government in 2010 announced plans to collect additional funds from migrant workers undergoing nationality verification in order to underwrite the cost of deporting undocumented migrants; if enacted, this could further increase workers' debt. In October 2010, the prime minister announced the creation of a "Centre to Suppress, Arrest and Prosecute Alien Workers Working Underground and Human Trafficking Processes." Authorities reported partnering with NGOs and international organizations that fund interpreters to assist the government in responding to foreign language queries reposted to the hotline that receives calls regarding trafficking cases; however, the government's decentralized call system made it difficult to ensure that localities systematically and adequately responded to calls that were diverted to them - particularly calls that came in from non-Thai callers. The government reportedly disbursed \$200,000 from its fund to assist trafficking victims and finance anti-trafficking activities - only a small portion of the government's overall fund to assist trafficking victims. In April 2010, the Thai government published its own report on the trafficking situation, its efforts to address it, trafficking statistical data, and recommendations on how to improve its operations. The government reported random interviews with Thai migrants at overland border-crossing checkpoints prevented 171 potential victims of trafficking or other exploitation from traveling. Authorities also reported "labor checkpoints" at international airports through which the Labor Ministry works with immigration authorities to randomly interview travelers who may be potential trafficking victims, though the government did not report identifying any potential or confirmed trafficking cases through these efforts. The government conducted awareness-raising campaigns targeting tourists' demand for child sex tourism, but did not make any other efforts to reduce the demand for commercial sexual acts or forced labor. Thailand is not a party to the 2000 UN TIP Protocol.